

REMARKS

The drawings are amended per recommendations set forth in numbered paragraph 4 of the Office Action. Corrected drawings, together with a marked up copy, are submitted herewith. The corrected drawings are considered also to address the ground of non-approval of drawings presented on 12-19-03, as noted in numbered paragraph 3.

The disclosure is amended per suggestions in numbered paragraph 5 of the office action, with expectation of approval.

Claim 21 is objected to, with suggestion presented by the Examiner. This claim 1 is amended differently herein, to conform to its intended meaning.

Applicant appreciates the Examiner's interpretation of claim 1, lines 6-7, although deemed inappropriate. As understood, whereas the claim, prior to amendment herein, requires the inner layer to be stitched directly to the anchor layer but not to the outer layer, the Examiner interprets this limitation to include a structure in which the inner layer is attached directly to the anchor layer and, via the anchor layer, indirectly to the outer layer. This certainly is not what is intended, and is not a reasonable interpretation, particularly when read in light of the disclosure. Nevertheless, to expedite prosecution and avoid any possibility of ambiguity, claim 1 is reworded to clarify that the inner layer is stitched directly to the anchor layer but not directly to the outer layer, a structure depicted clearly in application Fig. 1A. The Examiner construes "an anchor layer secured to the outer layer and having a shape conforming to that of the outer layer" to require the anchor layer and outer layer to be complimentary in size and shape, and thereby coextensive. This restriction is not intended, as the two layers may depart from each other

somewhat in size and shape while retaining the functionality desired. The word “generally” has been added to the second paragraph of the claim to emphasize this point.

The Office Action rejects claims 1-2, 10, 17-18 and 20-21 as unpatentable over Brownlee et al., predicated on anticipation under 35 USC 102(b) or, in the alternative, under 35 USC 103(a). In all disclosed embodiments of Brownlee et al., what is construed by the Examiner to be the claimed anchor layer is stitched through to the outer layer (see stitching 127 and 129 of Fig. 8), in an embodiment (unlike that of Figs. 1 and 4-6) in which the four sides of the inner layer are displaced inwardly from corresponding sides of the anchor layer, as claimed. But what is depicted in Brownlee et al.’s Fig. 8 is prohibited by claim 1, and its dependencies, in which the inner layer is stitched directly to the anchor layer, but not directly to the outer layer, a structure that has significance for reasons explained in the previous response.

Claim 10 has been ignored, in substance, on ground of being an improper product-by-process. This claim is amended to recite structure in which the inner layer is a rectangular piece of material with triangular portions near the corners of the pocket removed. Adjacent sides of the pocket are joined together, and an outer edge of the pocket is covered by an elastic strip. There is nothing in this claim that describes a process, but rather a structure that is not disclosed in Brownlee et al.

Claim 17 recites that the sides (of the inner layer forming a pocket) are interconnected, and claim 21, now dependent from claim 17, recites further that adjacent sides intersect at stitch lines to form corners of the pocket. These structures are not described in Brownlee et al. And claim 20 provides that the anchor layer is secured to the outer layer only at a peripheral edge of the outer layer.

These dependent claims are patentable not only because they depend from claim 1, an allowable claim, but because what is required in the dependent claims is not found in Brownlee et al.

Claim 19 stands rejected as unpatentable over Brownlee et al. in view of Coates '526 and Ohara, for reasons noted extensively in numbered paragraph 10 of the Office Action. The Examiner's interpretation of the wording of claim 19 is believed to be inappropriately broad, as expressed in the previous response. Furthermore, a combination of Brownlee et al. with Coates and Ohara is inappropriate. There is no reason to add an elastic strip, because the panels 132 are stitched to the underlying material 109 by semicircular stitch line 133, and hence do not have any need to be maintained under the tension of an elastic strip.

In view of the foregoing, and in summary, claims 1, 2, 10 and 17-21 are in condition for allowance, and such favorable action is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: May 7, 2004

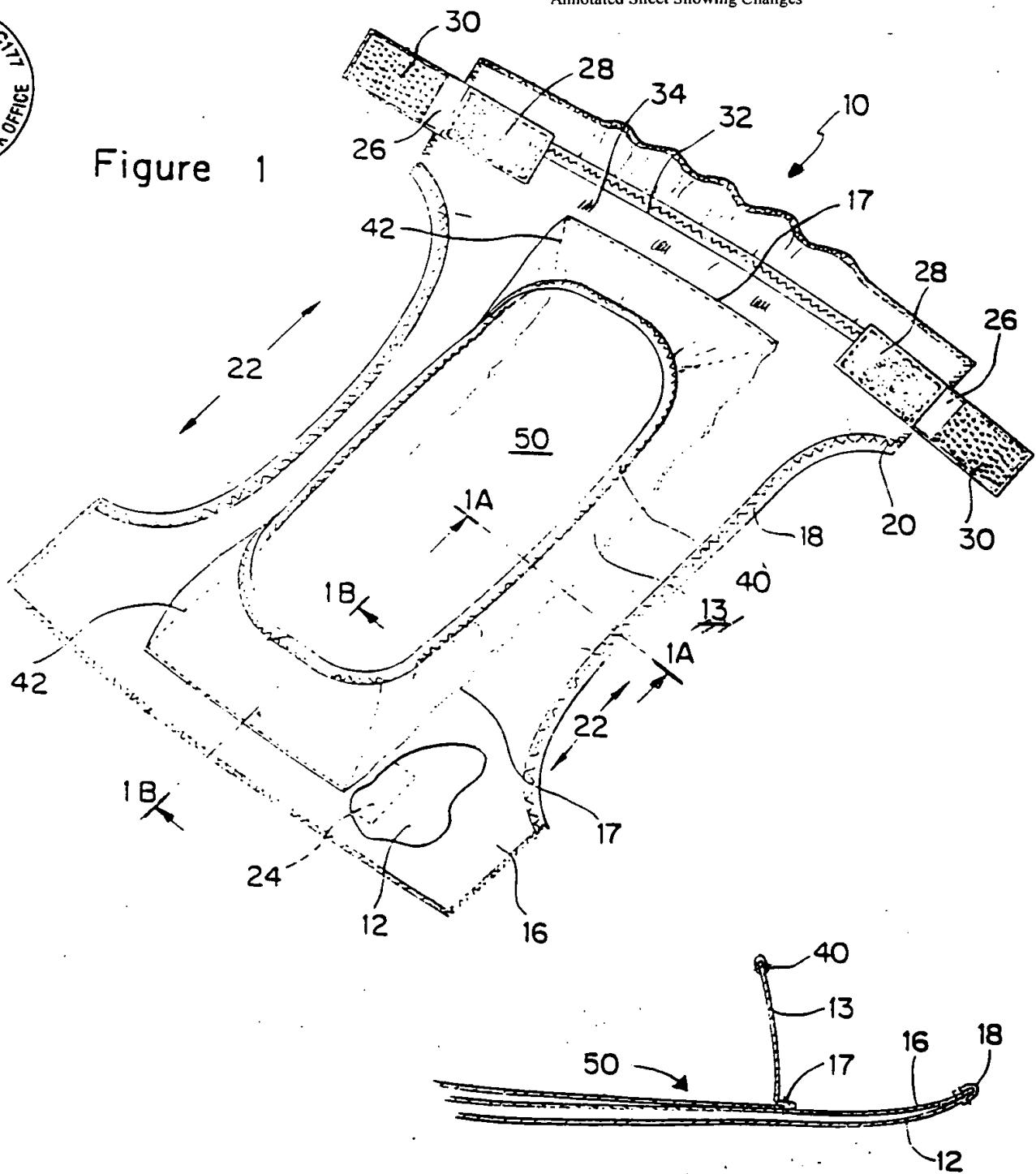


Figure 1A

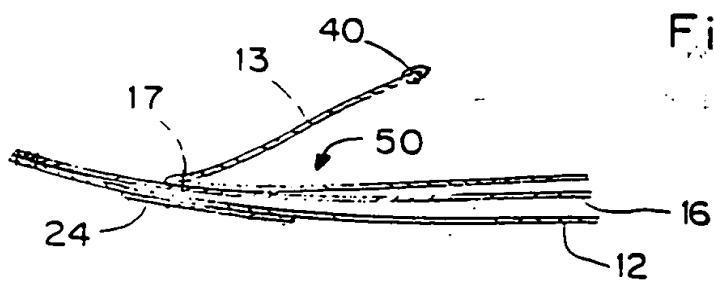


Figure 1B

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Figure 2

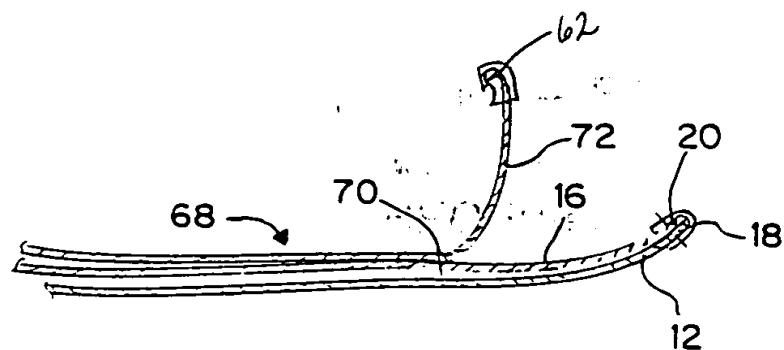
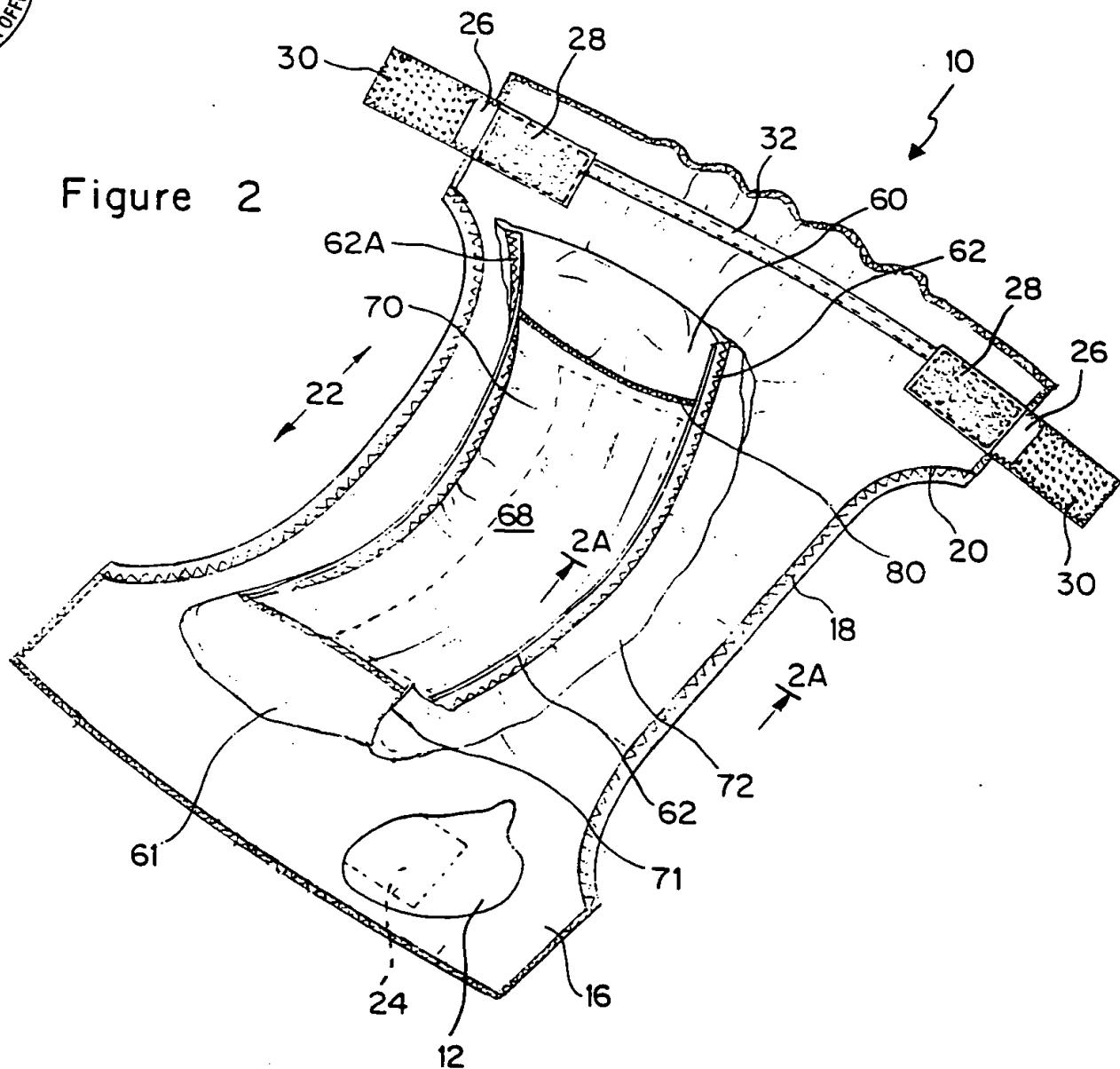


Figure 2A



Figure 2B

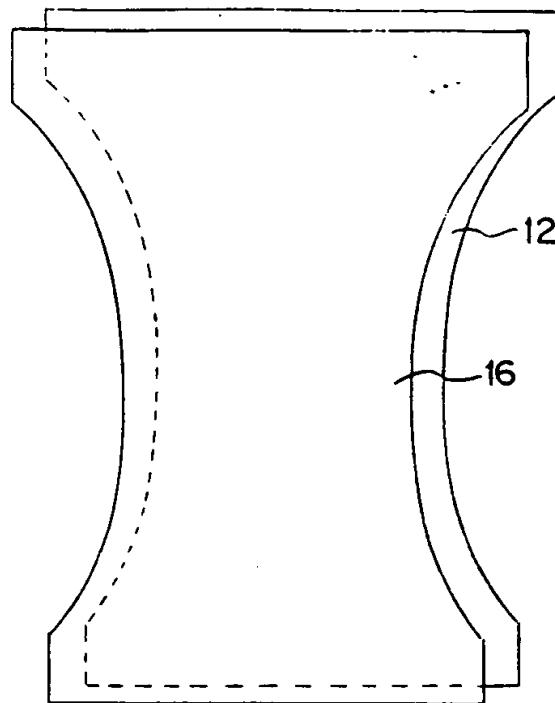


Figure 2C

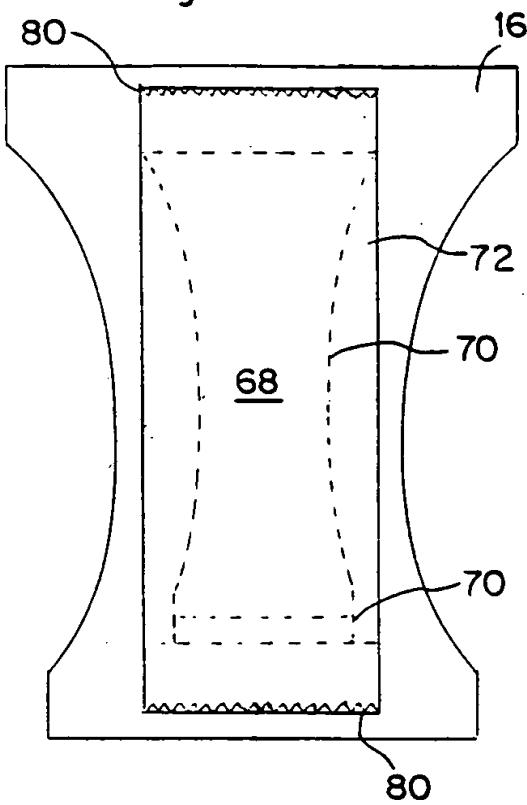


Figure 2D

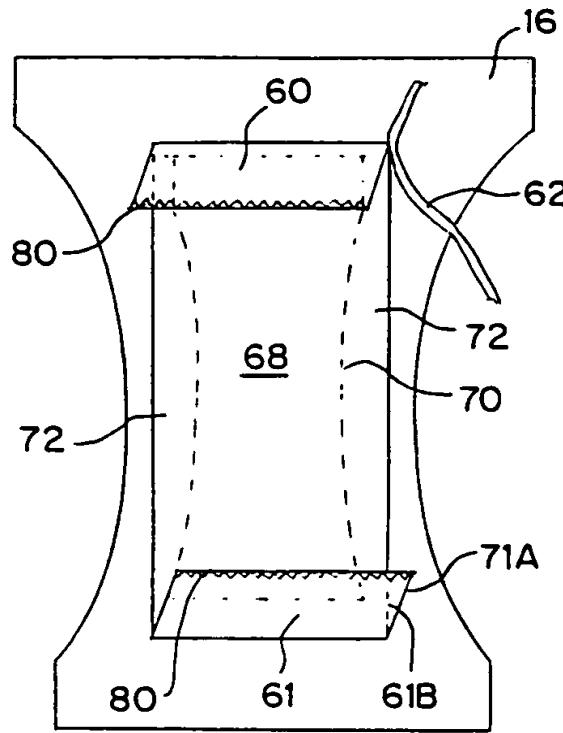


Figure 2E

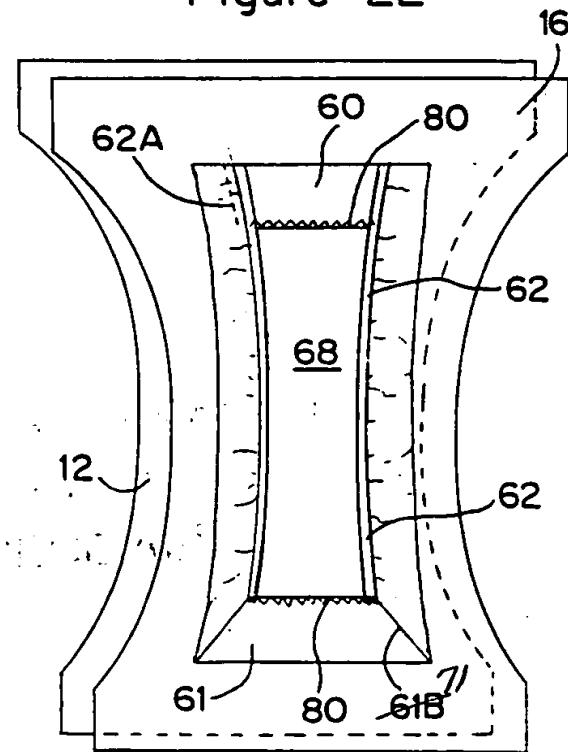




Figure 4

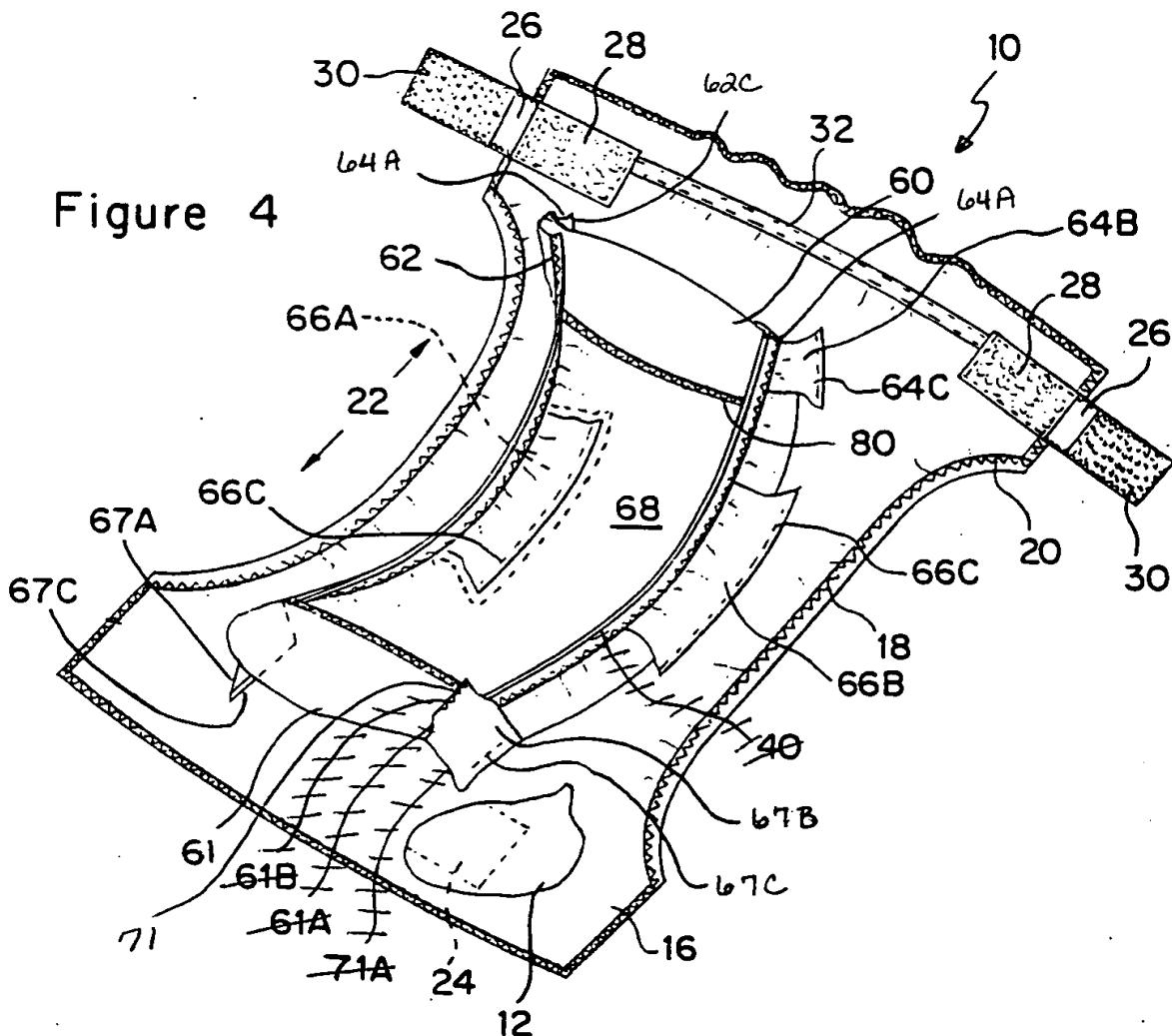


Figure 4A

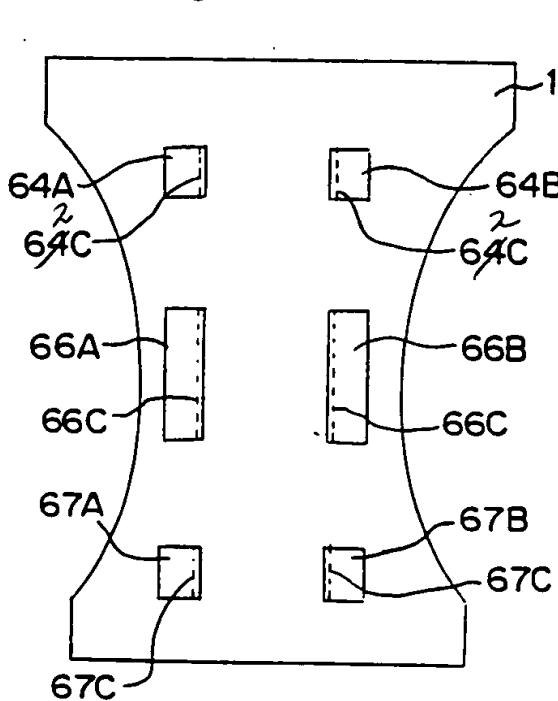
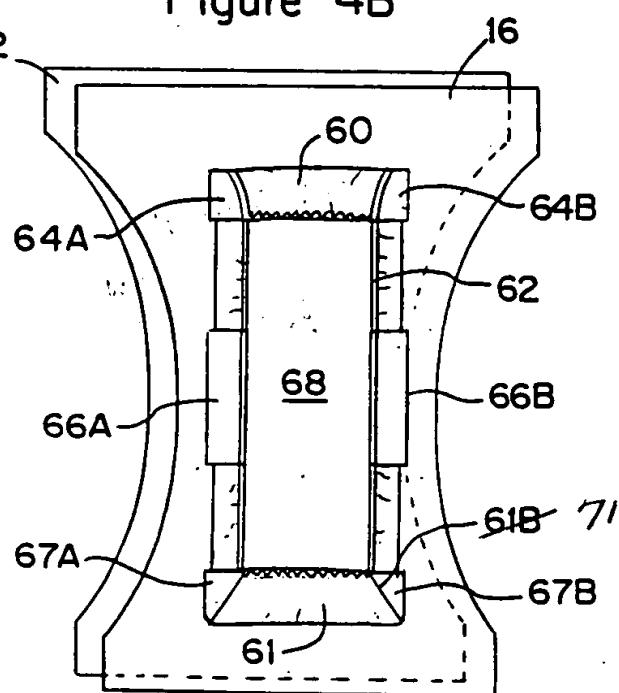


Figure 4B





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Figure 6

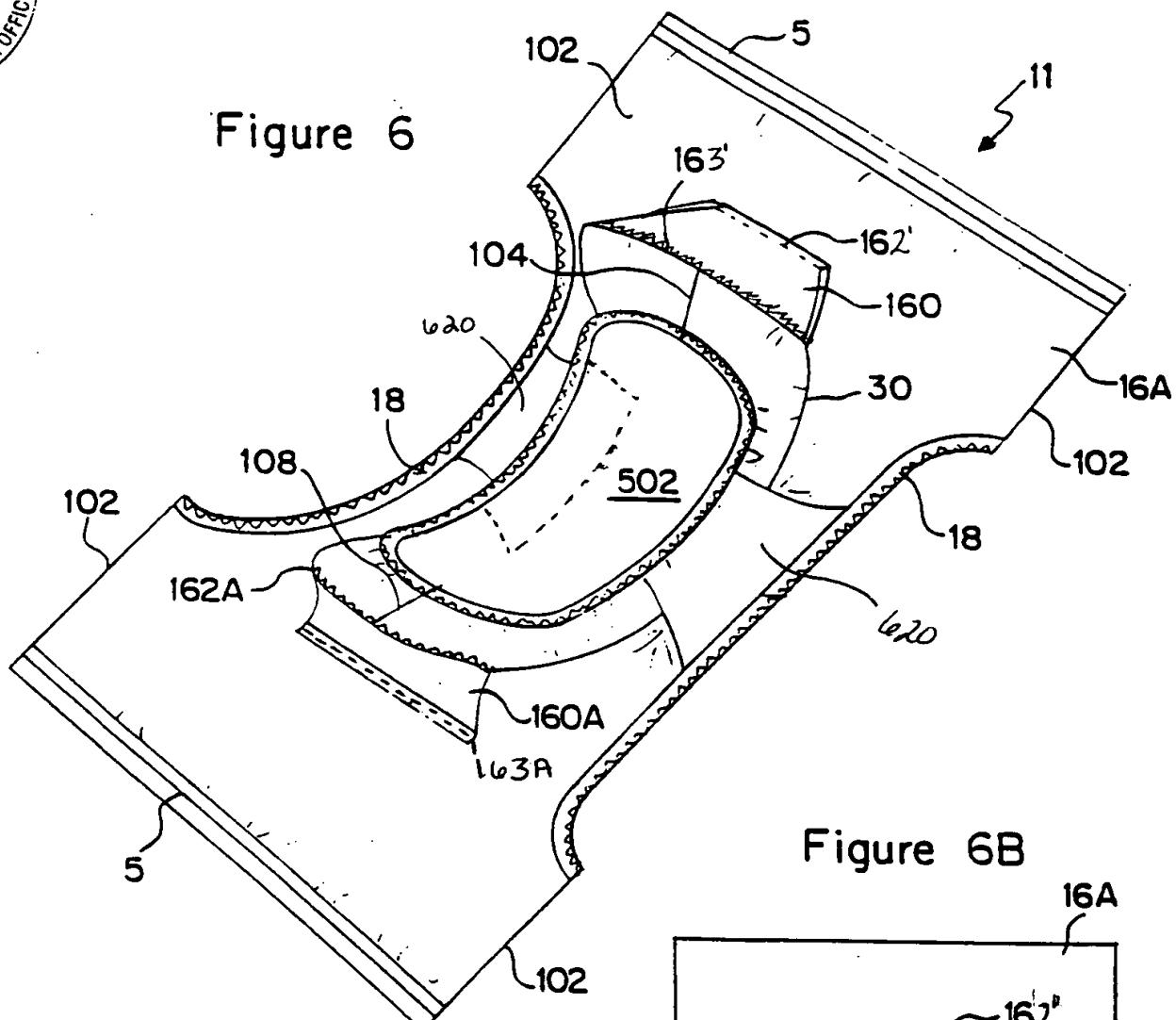
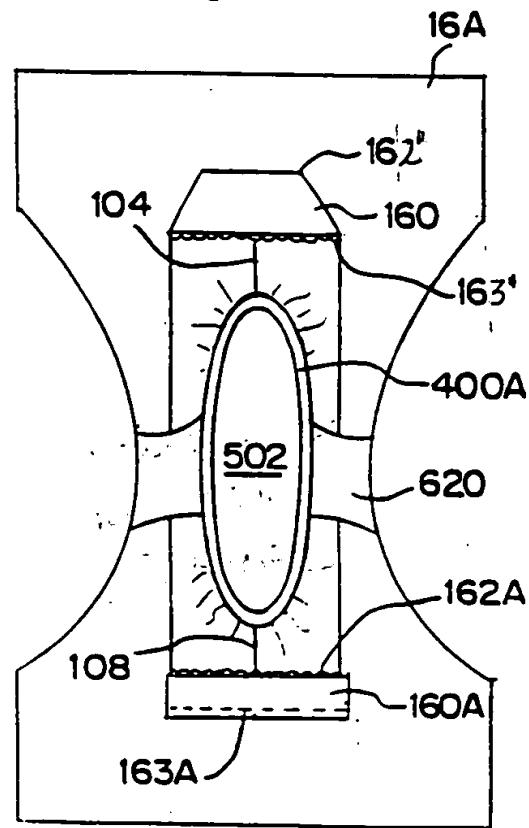
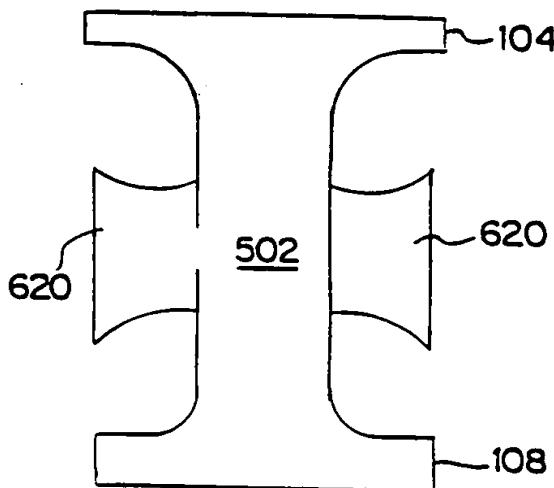


Figure 6B

Figure 6A





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Figure 7

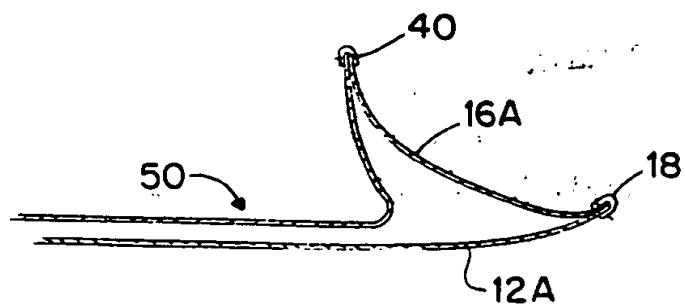
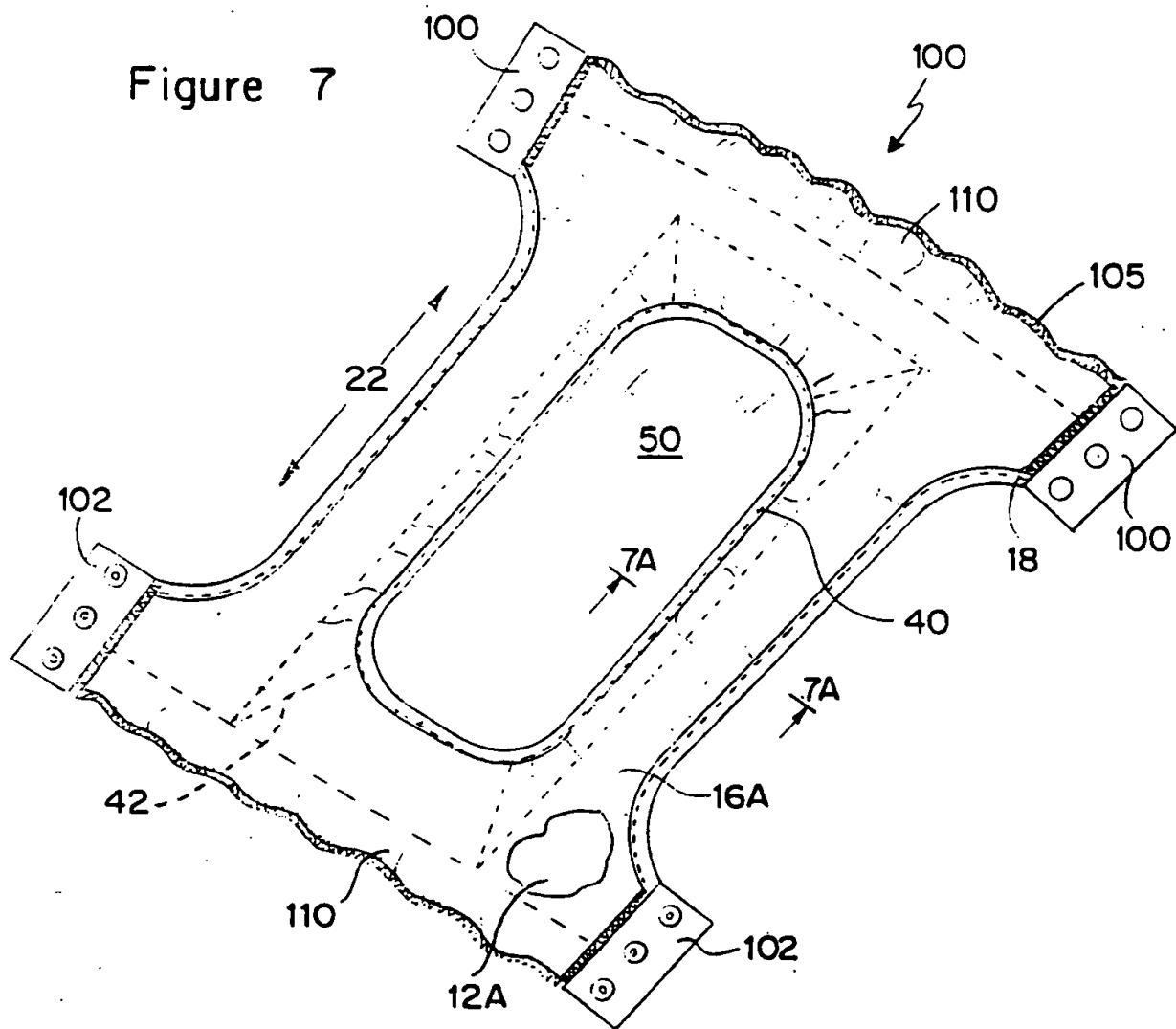
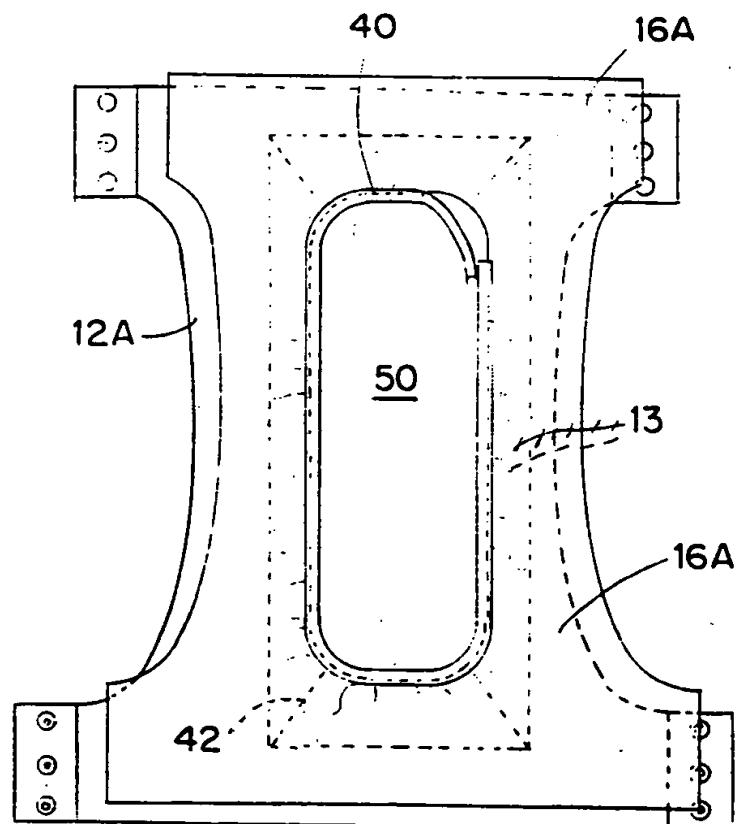


Figure 7A



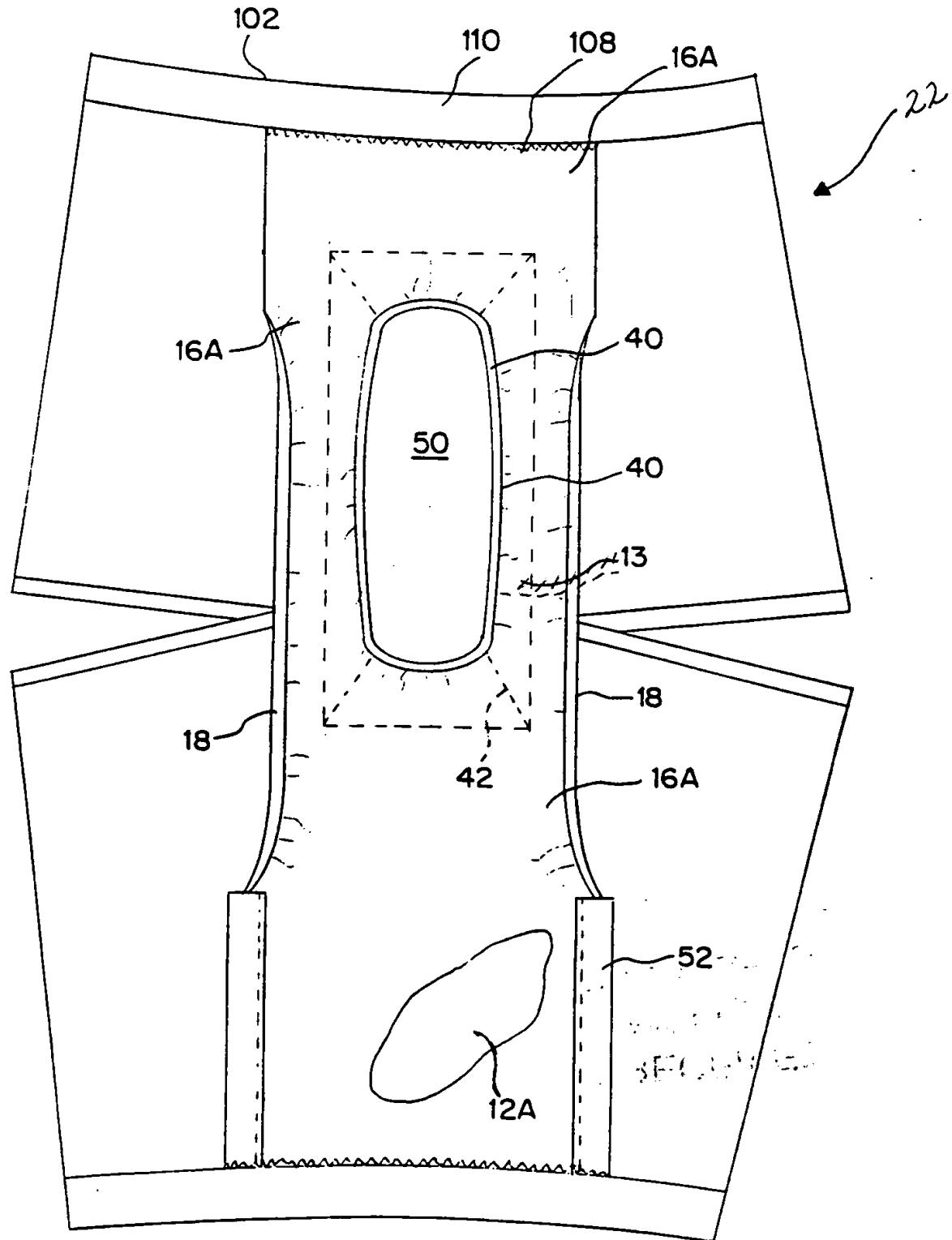
Figure 7B



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Figure 8





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Figure 9

